

**IN THE SUPREME COURT OF INDIA**  
**CIVIL ORIGINAL JURISDICTION**  
**WRIT PETITION (CIVIL) NO. 829 of 2013**

**IN THE MATTER OF:**

S.G. Vombatkere & Anr

...Petitioners

Versus

Union of India & Ors.

...Respondents

**ADDITIONAL AFFIDAVIT ON BEHALF OF THE PETITIONERS**

I, Bezwada Wilson, S/o Late Shri Yacob, aged about 47 years, R/o 36/13 Ground Floor, East Patel Nagar, New Delhi, do hereby solemnly affirm and state as follows:-

1. I am the Petitioner No.2 in the captioned writ petition. I am fully conversant with the facts of the present case and competent to swear this affidavit.
2. I say that the captioned writ petition is connected to WP (c) No. 494 of 2013 (Justice K.S. Puttaswamy (Retd) & Anr v/s Union of India & Ors) and other batch of petitions where the core challenge is to the violation of basic human rights as a result of the Unique Identification Project ("UID Project"). I say that along with the writ petition, the Petitioners have also preferred an application for urgent reliefs more particularly stated therein.
3. I say that on 23-9-2013, after the hearing the parties, this Hon'ble Court was pleased to pass an interim order directing that no person should suffer for not getting the Aadhaar card despite circulars issued by any authority making it mandatory. This Court also directed that when any person applies to get the Aadhaar Card voluntarily, it may be checked whether the person is entitled for it under the law and that it should not be given to any illegal immigrant. Annexed and marked hereto as



'ANNEXURE A-1 – (PAGES 8 TO 11 )' is the copy of the order dated 23-9-2013.

4. Thereafter, the matter was again listed on 26-11-2013. After hearing the matter at length, the Hon'ble Court was of the view that all the States and Union Territories have to be impleaded as Respondents and accordingly notice has been issued to all the States and Union Territories. Significantly, the Hon'ble Court expressly extended the interim order passed on 23-9-2013. Annexed and marked hereto as 'ANNEXURE A-2 – (PAGES 12 TO 14 )' is the copy of the order dated 26-11-2013. In compliance of the order dated 26-11-2013, the new Respondents have been impleaded.
5. I say that I am filing this additional affidavit to bring on record the continuous breach and wilful defiance of interim orders dated 23-9-2013 and 26-11-2013 ("**Interim Orders**") by all the Respondents, their officers, departments and instrumentalities. I respectfully submit that the conduct of the Respondents is highly contumacious and requires urgent attention of this Hon'ble Court.
6. The interim order dated 23-9-2013 contains two specific directions. The first part of the order directs that Aadhaar card shall not be mandatory and no person shall be denied any service for not having an Aadhaar card. The second part of the order directs taking appropriate steps for checking the manner of enrolment. These directions were passed to give urgent reliefs to citizens of the country against serious violation of human rights and fundamental rights but the same have been disregarded.
7. I submit that despite the legality of the UID Project being in question before this Hon'ble Court, there has been an undue haste in implementing the UID Project.

**AADHAAR CARD MANDATORY**

8. I say that the UID Project seeks to persuade public sector as well as private sector service providers to require residents to produce a UID number as a pre-requisite for granting services. This coercion is employed to ensure that unless a person has an Aadhaar card, it will become impossible for him to access essential services.
9. The aforementioned writ petition and connected IAs list out in detail a number of orders, resolutions and media reports demonstrating the coercive action of some of the Respondents. For instance, (i) the Government of NCT of Delhi and the State of Jharkhand has made Aadhaar card compulsory for registration of marriages as well as for registration of various documents in the Sub Registrar Offices (ii) The State of Maharashtra has made Aadhaar number mandatory for government employees for drawing salary (iii) The State of Karnataka has made Aadhaar number mandatory for availing benefits under government schemes such as social security pensions, LPG connection, ration card etc (iv) The Ministry of Petroleum & Natural Gas has made Aadhaar number mandatory for 'Direct Benefit Transfer' scheme for LPG customers. (v) The Ministry of Rural Development has made it mandatory for every beneficiary under 'The Mahatma Gandhi National Rural Employment Guarantee Scheme' to have an Aadhaar number. I carve leave to refer to and rely upon the said circulars/ decisions.
10. I say that each and every Respondent (including the newly added Respondents) through their organs/departments continue implement the notifications / circulars and continue to insist on Aadhaar card as mandatory despite the Interim Orders passed by this Hon'ble Court on 23-

9-2013 and 26-2013. In fact, instead of complying with the orders of this Hon'ble Court, the Respondents have initiated a massive campaign forcing the citizens to enrol for Aadhaar card by way of newspaper advertisements/circulars/decisions.

11. I respectfully submit that as a result of disobedience of the Interim Orders, basic services are still being denied to the citizens. I say that crucial aspects like education, salary, registration of marriages, registration of documents, LPG subsidy etc are being denied to citizens. I say that this is a serious breach of constitutional rights of citizens and urgent intervention of by this Hon'ble Court is necessary.
12. The facts set out below demonstrate the contumacious conduct of the Respondents:
  - a) Despite the Interim Orders, The Reserve Bank of India by its circular dated 26-11-2013 added Aadhaar (biometric validation) as additional factor of authentication for card present transactions and all new cards issued by Banks have to Aadhaar (biometric validation) acceptance. Firstly, I submit that this circular is illegal as it issued in breach of orders of this Honble Court. Secondly, I say that this is striking example of misuse of biometrics of citizens by easy access to all and sundry. Annexed and marked as **'ANNEXURE - 3 - (PAGES 15 TO 16)** hereto is a strategy paper available on the website of UIDAI. The Petitioners have filed an application for impleading the Reserve Bank of India.
  - b) Despite the Interim Orders, citizens are being refused registration of documents and marriages etc by officers of Respondents. On 12-11-2013, The Sub Registrar, Mehrauli, Delhi refused to register a lease agreement since the parties did not have an Aadhaar card. Annexed and marked hereto as **'ANNEXURE - 4 - (PAGES 16 TO 17)** is the copy of Affidavit affirmed by Ms.

Kiran Bhatta, a resident of Delhi, who was denied registration on account of not having obtained an Aadhaar Card.

- c) On 1-1-2014, The Ministry of Petroleum & Natural Gas have published an advertisement in the Mumbai edition of DNA newspaper calling upon citizens to link the Aadhaar card with bank account to enjoy LPG subsidy. In response to this, Mr. K.P. Janardan, a resident of Mumbai, made an enquiry with the customer care of Bharat Petroleum Corporation Limited and was informed that the Ministry has issued no instructions. Mr. K.P. Janardan has addressed an email dated 8-1-2014 calling upon to the Ministry to withdraw the advertisement in view of order dated 23-9-2013 passed by this Hon'ble Court. However, there has been no response. Annexed and marked hereto as 'ANNEXURE - 5 - (PAGES 18 TO 19)' is the copy of email dated 8-1-2014 from Mr. K.P. Janardan to the Union Minister for Petroleum and Natural Gas. Also annexed hereto as 'ANNEXURE - 6 - (PAGES 20 TO 21)' is a copy of similar email from Maj. Gen. S. C. N. Jatar, Retd, resident of Pune to the Union Minister for Petroleum and Natural Gas.'
- d) The Indian Oil Corporation is carrying out a massive campaign through SMSes and other publicity material by which it is informing citizens that unless Aadhaar linked bank accounts are seeded to its database, no person will be given the LPG subsidy. Annexed and marked hereto as 'ANNEXURE - 7 - (PAGES 22 TO 23)' is an article published in the The Hindu, Karnataka edition on 5-1-2014.
- e) The State of Jharkhand through newspaper advertisements is directing parents to enrol their children for Aadhaar card and provide the particulars to the school. Annexed and marked hereto as 'ANNEXURE - 8 - (PAGES ~~20~~ 24)' is the advertisement published in the Times of India, Patna edition dated 31-10-2013.

13. I say that there is a substantial difference in the retail price of LPG for an individual not having an Aadhaar card and the subsidised price for an individual who has an Aadhaar card. For instance, the market price of domestic LPG cylinder is Rs.943.36/-. The retail price after giving the subsidy works out to Rs.410.50/-. Thus, a substantial benefit of Rs.555.55/- is being denied to each individual on daily basis merely because the individual who does not possess an Aadhaar card. This is sought to be done on the basis of an irrational and an unconstitutional policy of the Respondents. I say that this action on the part of the Respondents is highly indiscriminate and arbitrary and the same ought to be struck down. I say that as an interim measure all Respondents ought to be directed to cancel policies/projects which make Aadhaar card mandatory.
14. Further, it is to be pointed out that Ministry of Petroleum and Natural Gas, and the Oil Marketing Companies have filed their affidavits and I.A.s before this Court praying for modification of order dated 23.09.2013. Even as such applications are pending, the Respondents have contumaciously gone ahead and acted as if such modification or leave has been granted and in force.
15. I respectfully submit that under Article 144 of Constitution of India, all authorities are required to act in aid of orders of the Supreme Court of India. I submit that the conduct of the Respondents in this case is absolutely illegal and all actions in breach of the Interim Orders ought to be struck down.

16. In view of the above facts and circumstances, it is humbly submitted this Hon'ble Court be pleased to pass appropriate directions against each Respondent directing them to comply with the Interim Orders and (i) appropriate order restraining each of the Respondents from issuing any circular, notification, advertisement, notice, order or any communication whatsoever to any person indicating that Aadhaar be insisted upon for availing of any service, facility or subsidy (ii) appropriate order directing each and every Respondent to withdraw all the circulars/decisions and issue an appropriate clarification that Aadhaar card is not mandatory and no service will be denied to any individual for not having an Aadhaar card. These directions must be made mandatory even for private agencies seeking to use the Aadhaar database. Further, the Respondents must be directed to take appropriate steps to and create a mechanism for checking whether the person is entitled for enrolment under the law.

  
**DEPONENT**

**VERIFICATION:**

Verified at New Delhi on this the 20<sup>th</sup> day of January, 2014, that the contents of paragraphs 1 to of my above affidavit in reply are true and correct to my knowledge, that no part thereof is false and nothing material has been concealed there from.

  
**DEPONENT**



Annexure - A/1 8

ITEM NO:5+58

Court No.5

SECTION PIL

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

WRIT PETITION (CIVIL) NO(s). 494 OF 2012

JUSTICE K.S.PUTTASWAMY(RETD)& ANR

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln(s) for stay)

WITH T.P.(C) NO. 47-48 of 2013

(With appln(s) for stay and office report)

(Appln. for deletion of the name of petitioner no. 1)

T.P.(C) NO. 476 of 2013

(With appln(s) for stay and office report)

W.P.(C) No. 829 of 2013

(With appln(s) for interim relief and office report)

Date: 23/09/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN

HON'BLE MR. JUSTICE S.A. BOBDE

For Petitioner(s)

Mr. Anil B. Divan, Sr. Adv.

Mr. Ankit Goel, Adv.

Mr. Ranvir Singh, Adv.

Mr. Sanjay Yadav, Adv.

Mr. Anish Kumar Gupta, Adv.

Ms. Deepshikha Bharati, Adv.

Mr. S.S. Shamshery, Adv.

Mr. Rajeev Kr. Singh, Adv.

Mr. Nachiket Joshi, Adv.

Mr. P.R. Kovilan Poongkuntran, Adv.

Mrs. Geetha Kovilan, Adv.

Mr. Shyam Divan, Sr. Adv.

Mr. Pratap Venugopal, Adv.

Ms. Meenakshi Chauhan, Adv.

Mr. Varun Singh, Adv.

Mr. Gaurav Nair, Adv.

for M/s. K.J. John & Co.

For Respondent(s)

Mr. Mohan Parasaran, SG

Mr. L. Nageshwar Rao, ASG

Mr. Farrukh Rasheed, Adv.

Mr. Alok Mishra, Adv.

Mr. D.S. Mahra, Adv

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-2-

UPON hearing counsel the Court made the following  
O R D E R

Issue notice in W.P.(C) No. 829/2013.

Application for deletion of the name of  
petitioner no. 1 in T.P.(C) Nos. 47 of 2013 is  
allowed.

T.P.(C)nos. 47-48 of 2013 and T.P.(C) No.  
476 of 2013 are allowed in terms of the signed  
order.

All the matters require to be heard  
finally. List all matters for final hearing after  
the Constitution Bench is over.

In the meanwhile, no person should suffer  
for not getting the Adhaar card inspite of the fact  
that some authority had issued a circular making it  
mandatory and when any person applies to get the  
Adhaar Card voluntarily, it may be checked whether  
that person is entitled for it under the law and it  
should not be given to any illegal immigrant.

(DEEPAK MANSUKHANI)

• Court Master

(M.S. NEGI)

Court Master

• (Signed order is placed on the file)



IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO(s). 47-48 OF 2013

THE GOVT. OF INDIA & ORS. ETC.

....Petitioner(s)

VERSUS

S. RAJU & ANR. ETC.

....Respondent(s)

WITH

TRANSFER PETITION(CIVIL) NO(s). 476 OF 2013

O R D E R

Heard learned counsel for the parties.

Having regard to the facts and circumstances of the case, we are satisfied that this is a fit case where the prayer for transfer is to be allowed.

On the facts of the case, we allow these Transfer Petitions and direct that W.P(C) No. 439 of 2012 titled S. Raju Vs. Govt. of India and Others pending before the D.B. of the High Court of Judicature at Madras and PIL No. 10 of 2012 titled Vickram Crishna and Others Vs. UIDAI and Others pending before the High Court of Judicature at Bombay be transferred to this Court. The Registry of the High Court of Madras and Registry of the High Court of Bombay are requested to transmit the original records to this Court expeditiously.

NEW DELHI;  
SEPTEMBER 23, 2013.

.....J.  
(S.A. BORDE)

.....J.  
(DR. B.S. CHAUDHARY)

allowed.  
These Transfer petitions are accordingly

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ITEM NO.1

COURT NO.5

SECTION PIL

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

WRIT PETITION (CIVIL) NO(s). 494 OF 2012

JUSTICE K.S.PUTTASWAMY (RETD) & ANR

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln(s) for directions, stay, intervention, clarification /  
modification of court's order, impleadment and office report)  
(For final disposal)

WITH W.P(C) NO. 829 of 2013

(With appln(s) for interim relief and impleadment and office report)  
(For final disposal)

W.P(C) NO. 932 of 2013

(With appln(s) for directions and office report)

W.P.(C) No. 833 of 2013

(With appln(s) for directions & impleadment & office report)  
(For final disposal)

T.C.(C) No. .../2013 @ T.P.(C) No. 47-48/2013

(With appln(s) for stay and deletion of the name of petitioner)  
(For final disposal)

T.C.(C) No. .../2013 @ T.C.(C) No. 476/2013

(With appln(s) for stay)  
(For final disposal)

Date: 26/11/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN

HON'BLE MR. JUSTICE S.A. BOBDE

For Petitioner(s)

Mr. Soli J. Sorabjee, Sr. Adv.

Mr. Mehernaz Mehta, Adv.

Mr. Ankit, Adv.

Mr. Anil B. Diwan, Sr. Adv.

Mr. Ankit Goel, Adv.

Ms. Deepshikha Bharti, Adv.

Ms. Nachiketa Joshi, Adv.

M. Pattabhi Ram, Adv.

Mr. S.S. Shamsherya, Adv.

Mr. Nishant Katreswarkar, Adv.

Mr. Mehernaaz Mehta, Adv.

Mr. Sanjay Yadav, Adv.

Mr. Anish Kumar Gupta, Adv.

Mr. Mohit Chaudhary, Adv.

Ms. Varnika Singh, Adv.

Mr. Imran Ali, Adv.

Ms. Damani Chawla, Adv.  
 Mr. Harsh Sharma, Adv.  
 Ms. Jyoti Mendiratta, Adv.

Mr. Shyam Divan, Sr. Adv.  
 Mr. Pratap Venugopal, Adv.  
 Ms. Meenakshi Chauhan, Adv.  
 Mr. Varun Singh, adv.  
 Mr. Anuj Sarna, Adv.  
 Mr. Nirman Sharma, Adv.  
 Mr. Abhinav Malhotra, Adv.  
 M/S. K.J. John & Co., Adv.

Mr. P.S. Narashima, Sr. Adv.  
 Mr. V. Mohana, Adv.  
 Mr. B. Raghunath, Adv.  
 Mr. S. Prasana, Adv.  
 Mr. Ishaan Geroge, Adv.  
 Mr. Vijay Kumar.

Ms. Aishwarya Bhati, Adv.  
 Mr. D.S. Mahra, Adv.

Mr. P.R. Kovilan, Adv.  
 Mrs. Geetha Kovilan, Adv.

#### For Respondent(s)

Mr. Mohan Parasaran, S.G.  
 Mr. Alok Kumar, Adv.  
 Mr. Alok Prassana, Adv.  
 Mr. Anupam Prasad, Adv.  
 Mr. D.S. Mahra, Adv.

Mr. Sunil Kumar, Sr. Adv.  
 Mr. Tapesk Kumar Singh, Adv.  
 Mr. Mohd. Waquas, Adv.

Mr. Mohit D. Ram, Adv.  
 Ms. Madhvi Chaudary, Adv.  
 Mr. Vasv Anant Raman, Adv.

#### For Intervenors

Mr. L. Nageshwara Rao, ASG  
 Mr. Amit Meharia, Adv.  
 Ms. Khushbu Jain, Adv.  
 For M/s Meharia & Co., Adv.

Mr. Sai Krishna Rajgopal, Adv.  
 Ms. Julian George, Adv.



Mr. Nikhil Nayyar, Adv.  
Ms. Pritha Srikumar Iyer, Adv.  
Mr. Dhananjay Baijal, Adv.  
Ms. Akanksha, Adv.

UPON hearing counsel the Court made the following  
O R D E R

After hearing the matter at length, we are of the view that all the States and Union Territories have to be impleaded as respondents to give effective directions. In view thereof notice be issued to all the States and Union Territories through standing counsel.

The advocates who have already entered appearance must file their replies within a period of three days from today. Learned standing counsel for the States who were not represented may take instructions from their respective States and file their response within one week.

List this matter for further hearing on 10<sup>th</sup> December, 2013.

Interim order to continue, in the meantime.

[ Neeta ]  
Sr. P.A.

[M.S. Negi]  
Court Master



भारतीय रिज़र्व बैंक  
RESERVE BANK OF INDIA  
www.rbi.org.in

RBI / 2013 -14/380

DPSS (CO) PD No.1164/ 02 14 003 / 2013-14

November 26, 2013

- The Chairman and Managing Director / Chief Executive Officers
- All Scheduled Commercial Banks including RRBs / Urban Co-operative Banks / State Co-operative Banks / District Central Co-operative Banks / Authorised Card Payment Networks

Madam / Dear Sir,

**Security and Risk Mitigation Measures for Card Present Transactions**

A reference is invited to our circular dated September 22, 2011 on security issues and risk mitigation measures related to Card Present (CP) transactions, along with circulars dated February 28, 2013 and June 24, 2013 on security and risk mitigation measures for electronic payment transactions wherein various timelines were indicated for accomplishment of tasks for securing card and electronic payment transactions

2. It may be recalled that the "Working Group on Securing Card Present Transactions" (Chairperson. Gowri Mukherjee) set up by RBI, had recommended the evaluation of UIDAI's Aadhaar as an effective alternative for additional factor of authentication for domestic transactions subject to fulfilment of certain tasks stated therein. In order to evaluate this recommendation, another Working Group was formed by RBI to assess the feasibility of Aadhaar (biometric validation) as additional factor of authentication for card present transactions.

3 The recommendations of the Working Group have been examined by RBI. After taking into consideration the developments that have taken place in the card payment ecosystem as well as the scalability and effectiveness of Aadhaar over a period of time, the banks are advised as follows.

- In respect of cards, not specifically mandated by the Reserve Bank to adopt EMV norms, banks may take a decision whether they should adopt Aadhaar as additional factor of authentication or move to EMV Chip and Pin technology for securing the card present payment infrastructure
- All new card present infrastructure has to be enabled for both EMV chip and PIN and Aadhaar (biometric validation) acceptance.

4. The directive is issued under section 18 of Payment and Settlement Systems Act 2007, (Act 51 of 2007).

5. Please acknowledge the receipt of this circular.

Yours faithfully,

(Vijay Chugh)  
Chief General Manager

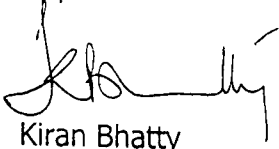
AFFIDAVIT

I, Kiran Bhatti, aged about 47 years, residing at C-1 NIZAMUDDIN EAST, NEW DELHI, do hereby solemnly affirm and state as follows:-

1. I am a citizen of India and I am conversant with issues of public interest raised in Writ Petition (c) No. 829 of 2013. I say that I am competent to swear this affidavit.
2. I am filing this short affidavit to narrate my experience of being denied basic services by the government for not having an Aadhaar card, despite showing the order date 23-9-2013 passed by the Hon'ble Supreme Court of India.
3. On the 12th of November 2013, I visited the Registrar's Office in Mehrauli, Delhi to register a rental agreement between Mrs Tani Bhargav and myself for lease of the premises C-1 Nizamuddin East, owned by Mrs Bhargav, for a period of 22 months, starting November 15, 2013.
4. I was informed by the real estate agent, that I needed to have a valid photo-ID for the purpose. Accordingly I took along my voter ID card and also my Indian passport for good measure. However, on arriving at the Mehrauli office I was informed that the lease could not be registered without an Aadhar card. I informed the Registrar that the Honourable Supreme Court of India had passed an order on September 23, 2013 to the effect that Aadhaar card was not to be made mandatory for the provision of public services. To my great surprise the Registrar completely dismissed my assertion stating, "Oh, that matter is in appeal." When I told him that nevertheless, till the matter was finally settled the Court had ordered that Aadhaar card could not be made mandatory, he responded saying, " I only follow what my government ["meri sarkar"] tells me. And I have been told not to process anything without the Aadhaar card".

5. I tried yet again saying a) the Supreme Court was surely part of his "sarkar" and b) both the voter ID and the passport were also part of his "sarkar's" documents and thus he would not be violating government orders. But he was completely intransigent and by this time became rather aggressive saying that he did not care about any of this and was quite happy to give a written response saying that he could not process the registration papers without the Aadhar card.
6. When we asked him to give the written statement he told us that he would do so only on submission of the papers and as a response to our application. He would on that application write that he could not complete the transaction and we were then free to go into "appeal" to his supervising officer – the Commissioner.
7. Unfortunately we could not go through with this elaborate procedure, as we needed to complete our formalities so that I could take possession of the premises I was renting. The whole procedure the Registrar suggested could takes days, if not weeks. So, we simply exchanged the stamp-papers [of an unnecessarily high value] on which the agreement was drafted and entered into a good faith contract.
8. The refusal of a serving government official to act on the basis of court orders left all of us stunned and extremely distressed.
9. This matter must be brought before the notice of the bench that has passed the orders and the erring official/s called to book.

Deponent



Kiran Bhatta

Annexure-A/5

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1/15/14

Gmail - Fwd: DBTL Scheme advertisement

Nirman Sharma <nirman.sharma@gmail.com>  
To: Nirman Sharma <nirman.sharma@gmail.com>

Wed, Jan 15, 2014 at 5:16 P

----- Forwarded message -----

From: **KP Janardan** <kp.janardan@gmail.com>  
Date: Wed, Jan 8, 2014 at 3:00 PM  
Subject: DBTL Scheme advertisement . Contempt of Court  
To: vmolly@kar.nic.in  
Cc: sec png@nic.in

Dear Shri Moily

I am a resident of Mumbai and the attached advertisement (DBTL Scheme.pdf) appeared in the Mumbai Edition of DNA newspaper dated 1/1/14.

The said ad declares that in Mumbai District, from 1st of April, 2014, only those customers with Aadhaar Number can avail of LPG subsidy, and those without, cannot.

On 2/1/14, I telephoned the Customer Care of Bharat Petroleum (BPCL) at Vikhroli, Mumbai, and enquired as to how such an ad was released in blatant disregard of the attached Supreme Court Order of 23/9/13 (SC 23-9-13 Order.docx)\*\* in W.P.(C) No.494 of 2012 which essentially says that Aadhaar Card shall not be made mandatory for, among other things, availing LPG subsidy.

The reply I got from Shri Sushil, Customer Care Officer^, BPCL, was  
(a) that the ad was released by the Ministry of Petroleum & Natural Gas, Govt of India; and  
(b) that BPCL has till date no instruction whatsoever from the Ministry following the Supreme Court Order of 23/9/13.

In my understanding, the said ad is tantamount to contempt of court. I would therefore request you to withdraw it and issue an appropriately amended one at the earliest.

I will appreciate a prompt response.

Sincerely, and with regards

K P Janardan

P.S.

1. \*\*In fact, the Supreme Court had rejected the plea for a modification of its aforesaid Order and had, in its Order of 26/11/13 (SC 26-11-13 Order.asp) remarked : "Interim order to continue, in the meantime".
2. ^Shri Sushil added that a similar ad about the launch of the DBTL Scheme in Delhi was also released the same day, i.e., on 1/1/14.

Shri M Veerappa Moily  
Union Minister for Petroleum & Natural Gas  
Govt of India, New Delhi

Copy to : Shri Vivek Rae, Secretary, Ministry of Petroleum & Natural Gas, Govt of India, New Delhi

3 attachments

# Attention! All LPG consumers attached to the LPG distributors in Raigarh (MH) and Mumbai districts.

**Direct Benefit Transfer for LPG (DBTL) Scheme is being launched in your district today.**

Under DBTL Scheme, all domestic LPG cylinders are sold at market price and you receive the advance for the first cylinder and subsidy for all your entitled cylinders directly into your Bank Account.

Over 15 million LPG consumers in 184 districts are already enjoying the benefit. You can join them too!

## It's simple:

Carry your Aadhaar card, its copy and bank's/LPG Aadhaar Linkage Forms\* to your:

1) **Bank Branch:** For linking your Aadhaar Number with your Bank Account Number.

AND

2) **LPG Distributor:** For linking your Aadhaar Number with your LPG Consumer Number.

You have 3 months to do the above.

Download Bank and LPG Aadhaar Linkage Forms from the Websites mentioned below or collect them from your LPG distributor.



**Hurry! It's simple, Don't wait. Act today!!**

Domestic LPG is available at market price to all valid and eligible Aadhaar.



Ministry of Petroleum and Natural Gas, Government of India

The websites: <http://petroleum.nic.in>, <http://india.nic.in>, [www.aadhaar.gov.in](http://www.aadhaar.gov.in) and [www.lpgindia.com](http://www.lpgindia.com) or call 1800281459 for more details.

Annexure - A/6

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Is it the cylinder or the subsidy or only the cylinder or neither without the Aadhaar number?

**Sudhir Jatar** <scnjat@gmail.com>

10 December 2013 11:59

To: vmoily@kar.nic.in

Cc: panabaka@sansad.nic.in, sec.png@nic.in, jsr.png@nic.in

Bcc: Anupam Saraph <anupamsaraph@gmail.com>

To

Dr. M. Veerappa Moily

Hon'ble Minister of Petroleum & Natural Gas

Government of India

New Delhi 110001

Dear Sir,

I am giving three news reports below, which quote you and appear contradictory:

1. A report from the Hindu dated 08/12/13 that 'Union Minister for Petroleum and Natural Gas M. Veerappa Moily has said it is "in the interest of consumers" to provide Aadhaar numbers to petroleum companies, even though the companies cannot deny LPG subsidy in the light of the Supreme Court ruling that Aadhaar cannot be tied with government services' and 'Mr. Moily argued that crores of LPG cards are bogus and weeding them out through Aadhaar validation would help consumers.'
2. A Deccan Herald report dated 7/12/13 that 'For everyone's convenience, Aadhaar was made mandatory. However, following the recent order of the Supreme Court, this requirement has been changed.' and 'Over 14 crore people in the country have LPG connections. However, three crore among them have got connections by producing fake documents, he said'.
3. A Times of India report dated 18/10/13 that 'Despite Union minister Veerappa Moily stating last week that Aadhaar card is not mandatory for LPG subsidy, distributors in Hyderabad are depriving consumers of the subsidy for not possessing Aadhaar cards'.

You are requested to kindly issue a statement, and also put on your web-site, clarifying the following keeping in mind the orders of the Supreme Court dated 23/09/2013 (enclosed):

1. Whether without an Aadhaar number an honest law-abiding citizen can get both:
  1. the subsidy and the cylinder or
  2. only the cylinder but not the subsidy or





3. neither cylinder nor subsidy
2. The reasons the government to cannot cancel the '3 crore LPG connections obtained by producing fake documents' as stated in the Deccan Herald report? How can the Honourable Minister for P&NG be able to say that 'three crores have got connections by producing fake documents' without knowing to whom the bogus cards are issued? Why is an Aadhaar number or DBT required to penalise the honest and law abiding 11 crore LPG consumers?

I also crave leave to draw your attention to the press release by West Bengal Government at [https://aitmc.org/news\\_details.php?nid=1755](https://aitmc.org/news_details.php?nid=1755).

I am writing this email as an ordinary citizen of India without prejudice to the Writ Petition No. 932 of 2013 pending in the Supreme Court filed by Nagrik Chetna Manch.

Highest Regards  
Yours sincerely,

**Maj. Gen. S. C. N. Jatar, Retd**  
**Former CMD OIL and ONGC-VL**

**References:**

Deccan Herald Report dated: Dec 7, 2013

<http://www.deccanherald.com/content/373364/no-need-aadhaar-get-lpg.html>  
No need for Aadhaar to get LPG connection: Moily

The Hindu Report dated: December 8, 2013

<http://www.thehindu.com/news/national/karnataka/consumers-stand-to-gain-from-aadhaar-linkage-moily/article5434052.ece>  
Consumers stand to gain from Aadhaar linkage: Moily

Times of India Report dated: Oct 18, 2013

<http://timesofindia.indiatimes.com/city/hyderabad/Aadhaar-mess-Cylinders-being-sold-at-non-subsidized-rates/articleshow/24311180.cms>  
Aadhaar mess: Cylinders being sold, at non-subsidised rates

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1/16/14

Despite apex court order, IOC proceeds with Aadhaar-linked DBT - The Hindu

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ANNEXURE-7

# THE HINDU

National » Karnataka

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Despite apex court order, IOC proceeds with Aadhaar-linked DBT



Over the past week, consumers have been receiving frequent SMSes requesting them to submit their Aadhaar number to their LPG distributor and their bank, with 'no further delay'. File Photo: M A Sriram

Once DBT starts, there is no other method to avail of subsidy: IOC official

Despite an interim order by the Supreme Court disallowing the government from making the Aadhaar number mandatory for accessing State subsidies and benefits, Indian Oil Corporation (IOC) Ltd. continues to inform consumers that they will not get their LPG subsidy if they do not seed their Aadhaar-linked bank accounts to the IOC database.

SMSes and publicity material released by IOC in the past week indicate that the company is going ahead with the Union government's deadlines for the Direct Benefit Transfer scheme for LPG. While the deadline for Udupi and Dharwad districts has been extended till January-end, the "grace period" for Bangalore Urban will expire on March 1.

Over the past week, LPG consumers have been receiving frequent SMSes requesting them to submit their Aadhaar number to their LPG distributor and their bank, with "no further delay". Though the SMS does not state whether or not this is mandatory, frequent messages have been instilling a sense of urgency and panic among consumers. Further, several consumers told *The Hindu* that, upon enquiry, distributors had been telling them that they would have to forego their subsidy amount (for nine cylinders a year) if they failed to register their details with the IOC database. Once the DBT scheme is enforced, the IOC will migrate customers entirely to the new system — that is, consumers will have to pay the market price, and the subsidy amount will be credited to their bank accounts.

## No other method'

Senior IOC officials said that while the oil manufacturing company was desisting from making statements on whether or not this was mandatory, in effect those whose details would not be seeded to the database would not be able to avail of the benefit. "Basically, once the DBT scheme starts there is no other method to receive or avail of the subsidy. Of now, there is no alternative method," said R.K. Anra, executive director, Karnataka State office. He pointed out that in rural areas several other subsidies were already linked to Aadhaar, and the DBT scheme was at 100 per cent in Chikmagalur and Mysore districts.

On January 1, an IOC official said, only 30 per cent of LPG consumers in the Bangalore Circle had 'seeded' their details to the IOC database, while in Udupi and Dharwad it was roughly around 50 per cent.

Officials are not claiming it's mandatory, and currently all companies have submitted an affidavit seeking the order be reconsidered. Meanwhile, we have just asked people to submit the details to the distributor as soon as they can," the official said. He added that IOC was likely to keep extending the deadline to "be on the safe side".

Meanwhile, there is confusion among consumers on the issue. Krishnan Pillai, a resident of R.T. Nagar here, said Aadhaar numbers were being delayed, and there was huge anxiety among people. "Last week, I saw an advertisement that implied that I will lose subsidy if I don't submit my number. Is the Supreme Court verdict not applicable?" he said. Sumitra Gupta, a chartered accountant from Majestic, said distributors were telling them to "ignore news report



1/16/14

Despite apex court order, IOC proceeds with Aadhaar-linked DBT - The Hindu

on the Supreme Court verdict”.

“This is arm twisting,” she said.

#### **‘So-called voluntary’**

Sunil Abraham of the Centre for Internet and Society, a Bangalore-based NGO that has been part of the anti-Aadhaar campaign, said IOC was “pushing the boundary”. “From the very beginning, people have been objecting to the so-called voluntary nature of the scheme. It’s unfortunate that the will of the Supreme Court in its interim order on such as a critical component of our citizenship is also being ignored,” he said.

Keywords: Aadhaar number, LPG subsidy, IOC database, direct benefit transfer scheme

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